

**REMARKS**

Reconsideration and allowance of this application, as amended, is respectfully requested.

This Amendment is in response to the Final Office Action dated March 18, 2009.

By the present amendment, the claims have been amended to clarify the invention, as will be discussed below.

At the outset, entry of this amendment under the provisions of 37 CFR §1.116 is respectfully requested, notwithstanding the finality of the Office Action. Specifically, as will be discussed in more detail below, the present amendment serves to amend each of the independent claims 7 and 14 to incorporate subject matter from a dependent claim (in particular, claim 11 in the case of claim 7, and claim 18 in the case of claim 14). The dependent claims 11 and 18 have correspondingly been canceled, together with dependent claims 16 and 17 which define similar subject matter. Under the provisions of 37 CFR §1.116, it is respectfully submitted that entry of an amendment to incorporate subject matter from a dependent claim is permissible inasmuch as it does not require any further search (since, of course, the dependent claim has already been searched) and should not require substantial further workload on the part of the Examiner (since, of course, the subject matter of the claim has already been searched). Further, in accordance with the provisions of 37 CFR §1.116, cancellation of a claim at any time is permissible, including after Final Rejection.

In addition, each of the independent claims 6 and 14 has been amended to change the term "count-up or count-down" to simply recite "count-up." As such, this amendment serves to further limit the claim. However, inasmuch as the previous

term was "count-up or count-down", the previous search should have included searching for both possibilities. Therefore, it is respectfully submitted that this amendment should also not require further search or substantial further consideration on the part of the Examiner. Therefore, entry of this amendment for purposes of placing the application in condition for allowance, for the reasons discussed below, is respectfully requested. Even if the Examiner does not agree, after reading the following comments, that the amendment places the application in condition for allowance, entry of this amendment for purposes of simplifying the issues on appeal is respectfully requested. Essentially, by the present amendment, the independent claims 7 and 14 are narrowed to incorporate the subject matter of dependent claims and to limit the claims to performing count-up of a count value of a memory address counter toward zero (as opposed to the possibility of counting up or counting down to any specified value). As such, the issue of patentability clearly becomes a narrower issue by virtue of this amendment, thereby simplifying the issues for appeal. Accordingly, entry of the present amendment under the provisions of 37 CFR §1.116, either for purposes of placing the application in condition for allowance or simplifying the issues on appeal, is respectfully requested.

Reconsideration and allowance of the amended independent claims 7 and 14 and their respective dependent claims over the 35 USC §103 rejection set forth in the Office Action based on the primary reference to Bandy (USP 6,002,344) in view of Heng (USP 6,538,563), Augenblick (USP 3,944,928), Raimbul (USP 6,177,858) and Chan (USP 5,550,547) is respectfully requested, whether these documents are considered alone or in combination with one another.

In particular, as noted above, the amended claim clearly defines an IC tag that transmits first information to a reception unit, wherein the time for transmission of the

first information is controlled in a unique manner. Referring to claim 7, for example, a memory is provided which memorizes the first information as well as second information which controls the time of transmission of the first information to the reception unit. The manner in which the time of transmission of the first information is controlled is defined in the last paragraph of claim 7 in terms of the following features:

- 1) the IC tag sets the second information as an initial value of a memory address counter;
- 2) the IC tag carries out count-up of a count value of the memory address counter towards zero;
- 3) the count-up is controlled by a carrier modulation signal modulated by a continuous clock signal supplied from an antenna of the reception unit; and
- 4) after the count value of the memory address counter reaches zero, the first information stored in the bit address indicated by the count value is sent out to the reception unit successively.

Independent claim 14 defines these same features in a reading method format.

It is respectfully submitted that the above-noted four features are neither taught nor suggested by the cited prior art, because all of the cited references operate in a completely different manner. Taking the primary reference to Bandy, for example, Bandy provides a counter/shift register 312 that is initialized before the counter/shift register starts to count-up. As such, completely contrary to the present amended claims 7 and 14, Bandy uses the counter/shift register 312 to increment from zero to a Tag ID 314A, a manufacturer number 314B and a lot number 314C (e.g., see column 7, lines 2 et seq. and Fig. 5, lines 504 et seq.). Therefore, rather than counting towards zero, Bandy counts from zero to different values. Similarly, both Augenblick and Heng appear to count from an initialized zero value towards

another value (referring to column 7, lines 12-15 of Augenblick and column 4, lines 25 et seq. of Heng).

The significance of this difference in the counter operation is that, in accordance with the present invention, the timing to send out the identification number (e.g., the first information) is done in accordance with the carry of a counter, since the counter outputs the carry when the count value of the memory address counter reaches zero. This permits the structure of the present invention to operate with reduced complexity and, correspondingly, reduced circuit size.

On the other hand, in the cited reference to Bandy, a decoder logic circuit 316A-316C is required to compare the value in the counter/shift register 312 with the Tag ID 314A, the manufacturers number 314B, and the lot number 314C, as is clear from column 5, lines 4 et seq. of Bandy. Similarly, Heng requires a comparison circuit, as discussed in column 4, line 25 et seq., and Augenblick similarly requires a comparison circuit, as discussed in column 7, line 27 et seq. and shown in Fig. 9. Inasmuch as the counting arrangements of Bandy, Augenblick and Heng all require comparison circuits, these structures are more complex than the counting arrangement claimed by the amended independent claims 7 and 14. Therefore, reconsideration and removal of the rejection of the independent claims 7 and 14 over the combination of Bandy, Augenblick and Heng is respectfully requested.

As an additional point, it is noted that the Office Action states that it would be obvious to modify Bandy and Heng using the teachings of Augenblick to include a step of transmitting a clock signal using a carrier modulated signal modulated by a clock signal to transmit the data and clock using a single signal. Even if this were the case, it is noted that this would still fail to meet the specific combination of the four features listed above found in the amended independent claims 7 and 14. In

addition, because Bandy clearly teaches an arrangement for increment instructions and other various instructions (e.g., see column 6, lines 63- column 7, line 11, as well as column 12, line 50 through column 14, line 50), it is respectfully submitted that it would require a complete redesign of Bandy to utilize a carrier modulated signal modulated by a clock signal instead of the increment instruction and other instructions taught by Bandy. Therefore, it is respectfully submitted that the amended independent claims 7 and 14 also clearly define over this argument from the Office Action, and reconsideration and allowance of these independent claims is respectfully requested.

Reconsideration and allowance of the dependent claims is also respectfully requested. In each instance, these claims define further features of the present invention which, when considered in combination with the amended features discussed above serve to even further define overall combinations neither taught nor suggested by the cited prior art. It is also respectfully submitted that none of the secondary cited references used in the rejections with regard to the dependent claims make up for the above-noted shortcomings regarding the references to Bandy, Augenblick and Heng concerning the amended features of the parent independent claims. Therefore, reconsideration and allowance of the dependent claims is also respectfully requested.

If the Examiner believes that there are any other points which may be clarified or otherwise disposed of either by telephone discussion or by personal interview, the Examiner is invited to contact Applicants' undersigned attorney at the number indicated below.

To the extent necessary, Applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in fees due in connection with the filing of

this paper, including extension of time fees, to the Antonelli, Terry, Stout & Kraus, LLP Deposit Account No. 01-2135 (Docket No. 843.45150X00), and please credit any excess fees to such deposit account.

Respectfully submitted,  
**ANTONELLI, TERRY, STOUT & KRAUS, LLP**

By /Gregory E. Montone  
\_\_\_\_\_  
Gregory E. Montone  
Registration No. 28,141

GEM/dks  
1300 North Seventeenth Street, Suite 1800  
Arlington, Virginia 22209  
Telephone: (703) 312-6600  
Facsimile: (703) 312-6666